



Extension of FEHB Coverage and Agency-Paid Premiums to 24 Months if on Active Duty in Support of a Contingency Operation

17 June 2005

The National Defense Authorization Act for Fiscal Year 2005, section 1101 (Pub. L. 108-375), 28 Oct 04, amended law to allow agencies to extend Federal Employees Health Benefits (FEHB) coverage and agency-paid premiums from 18 to 24 months for employees called to active military duty **in support of a contingency operation on or after 14 Sep 01**. The Department of Defense (DoD) issued implementing instructions on 12 Apr 05.

Who is eligible for the extension of FEHB coverage and agency-paid premiums?

To be eligible for extension of FEHB coverage and agency-paid premiums from 18 to 24 months, the employee must:

- Have been enrolled in FEHB and elected to continue the enrollment while on active duty.
- Be a civilian employee of the DoD at the time called to perform active duty.
- Be a member of a Reserve component of the armed forces. The Reserve components are: the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve.
- Be called or ordered to active duty (voluntarily or involuntarily) on or after 14 Sep 01 in support of a contingency operation as defined 10 U.S.C. 101(a)(13).
- Have been placed on leave without pay or separated from Federal civilian service to perform active duty.
- Serve on active duty for a period of more than 30 consecutive days for each period that FEHB coverage and agency-paid premiums are extended.

What is the maximum period FEHB coverage may continue and an employee receive agency-paid premiums under the new law?

The maximum period of eligibility for each period of military service in support of a contingency operation is extended from 18 to 24 months.

When does the 24 month period of eligibility begin?

The 24 month period begins the date the employee is initially placed on leave without pay (LWOP) or separates from his or her civilian position to perform active military duty.

This applies regardless of whether he or she uses paid leave first. For example, an employee is called to active duty on December 1st but elects to use military leave (or annual leave, comp time, credit hours, or any combination thereof) for 30 days. In this case, the LWOP will begin effective December 31st, and the period of eligibility begins December 31st and continues for no more than 24 months.

Previously, continued coverage and agency-paid premiums began the first day an employee entered on active duty, regardless of whether he or she used military or other paid leave prior to entering LWOP or separating to perform military duty. Under the new rule, continued coverage and agency-paid premiums begin on the date of the LWOP or separation from employment, and this date will be applied in all cases where an employee requests extension from 18 to 24 months.

What type service constitutes military service in support of a contingency operation?

In accordance with 10 U.S.C. 101(a)(13), a contingency operation means a military operation that is: (a) designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the U.S. or against an opposing military force; or (b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 U.S.C., chapter 15 of title 10 U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress.

The contingencies and operations covered are provided in the following chart. Due to mission changes, this list may not be comprehensive over time.

Contingency	Authority	Effective Date	Status
Bosnia <ul style="list-style-type: none">• Operation Joint Endeavor• Operation Joint Guard• Operation Joint Forge	Executive Order 12982	8 Dec 95	Ongoing
Southwest Asia (Iraqi Crisis) <ul style="list-style-type: none">• Operation Southern Watch• Operation Northern Watch• Operation Desert Spring• Operation Desert Thunder• Operation Desert Fox• Operation Desert Falcon• Operation Desert Focus	Executive Order 13076	24 Feb 98	Ongoing
Kosovo <ul style="list-style-type: none">• Operation Allied Force• Operation Joint Guardian	Executive Order 13120	27 Apr 99	Ongoing
9/11 Terrorist Attacks <ul style="list-style-type: none">• Operation Enduring Freedom• Operation Noble Eagle• Operation Iraqi Freedom• Operation Infinite Justice	Executive Order 13223	14 Sep 01	Ongoing

What must I do to receive this extension of benefits?

The Benefits and Entitlements Service Team (BEST) automatically extended both FEHB coverage and agency-paid premiums for up to 24 months for employees currently on active duty in support of a contingency operation whose FEHB enrollment has not yet been terminated due to reaching 18 months continued coverage.

Employees who have already returned from active military duty, and those still on active duty whose FEHB coverage has already terminated, may submit a written request if they would like the extension of coverage and agency-paid premiums applied to one or more periods of active duty in support of a contingency operation.

Why would I NOT want to apply for this extension of benefits?

An employee who requests their FEHB coverage and agency-paid premiums be retroactively extended from 18 to 24 months could be negatively affected. When the FEHB coverage is

reinstated (extended), FEHB becomes the primary provider. This allows TRICARE providers to seek reimbursement from the employee for health benefits previously paid by TRICARE during the period FEHB is extended. The employee would then be responsible for filing a claim with their FEHB provider for this reinstated period of coverage, and the FEHB provider could feasibly pay a lower amount than TRICARE for the same claim. The period of extension could be more than 6 months if the employee elected to use military leave or other paid leave before entering a leave without pay status because the beginning date of FEHB coverage and agency-paid premiums will also be adjusted from the first day an employee entered on active duty to the date of the LWOP or separation from employment.

Does the use of paid leave intermittently following the date of the LWOP or separation extend the 24 month period?

No. The maximum period of eligibility ends 24 months from the date the LWOP or separation to perform active military duty begins. Use of intermittent paid leave during a period of military service does not extend the 24 month period. In addition, FEHB premiums withheld for these periods of intermittent pay are not refundable.

I'm still on active duty. How can I tell if my FEHB coverage has been terminated?

If your coverage has been terminated you will have received a SF 2810 (Notice of Change in Health Benefits Enrollment) showing your enrollment has terminated and providing the effective date of termination. The Remarks section of the form will also indicate the termination of insurance was due to reaching the maximum allowed coverage while on LWOP-US.

How do I apply for this extension of FEHB coverage and agency-paid premiums?

Employees who have already return to civilian duty, and those still on active duty whose FEHB coverage has already been terminated, must submit a written request, signed and dated, asking that your FEHB coverage and agency-paid premiums be extended to 24 months. A separate request must be submitted for each period of eligible military service. The request for extension of FEHB benefits must contain the following information:

- Name and SSN
- Current home address
- Health benefits enrollment code for the period of military service being claimed
- The beginning and ending dates of the period of military service, and the date of return to civilian duty. If still on active duty, supply the beginning date and state that you are still on active duty.
- Include a statement that you are aware you may be required to reimburse medical benefits paid by TRICARE for the period of the extended FEHB coverage.
- Sign and date the request.

You must attach the following document to the request:

- A copy of the orders showing the call or order to active duty for the period of service.

Submit the request for extension of FEHB coverage to the Benefits and Entitlements Service Team (BEST) via fax or mail. The fax number for BEST is DSN 665-2936 or (210) 565-2936. The mailing address is: HQ AFPC/DPCB, 550 C Street West Ste 57, Randolph AFB TX 78150-4759.